REMARKS

Claims 1-26 are pending Claims 1, 5, 8, 12, 15, 18, 21, and 24 are independent claims. Claims 1, 4, 5, 8, 11, 12, 15, 18, and 19 are amended in this response. No new matter is added. Reconsideration and allowance of the above-referenced application are respectfully requested.

35 USC 101

Claims 8-14 stand rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter. The amendments to claims 8 and 12 obviate the rejections of claims 8-14 under 35 USC 101.

Independent claim 8 is amended to recite "A computer program product, tangibly embodied in a computer readable medium, the computer program product being operable to cause a machine to." The MPEP states:

> When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized.

See, MPEP, 2106.01.

As amended, the computer program product described in claim 8 is tangibly embodied in a computer readable medium. Accordingly, the features of claim 8 relate to statutory subject matter. Therefore, the rejections of claim 8 and claims dependent therefrom, under 35 USC 101, should be withdrawn.

The rejections of claim 12 and claims dependent therefrom, under 35 USC 101, should also be withdrawn at least for reasons similar to claim 8.

35 USC 102(b)

Claims 1-26 stand rejected under 35 USC 102(b) as allegedly
being anticipated by Rom et al (US 6,252,849), hereinafter
"Rom". The rejections are respectfully traversed. Rom does not
describe all the features of the claimed subject matter.

Rom describes a system for implementing flow control in an
information network such as a local area network (LAN) utilizing
a carrier sense multiple access with collision detection
(CSMA/CD) as specified by the IEEE 802.03. The information
network transmits computer information such as computer data
between various computer systems coupled to the information
network. The information network includes information network
switches capable of routing information packets received via its
input ports to its output ports. The received packets are held
in buffers of the output ports before being transmitted via the
output ports. A portion of each output port buffer is allocated
to each input port. The information network switch provides a
control packet such as a PAUSE frame to an upstream source
operable coupled to the input port in response to the level
occupancy of the portion of the buffer allocated to the input
port exceeding a first level. See, e.g., Rom at Abstract.

With respect to claim 1, Rom does not describe a first
switching device and a second switching device, as claimed. The
cited portion of Rom (Rom, figures 1-3, col. 5, lines 1-50)
describes that the PAUSE frame causes the information packet
source to inhibit transmission. In this regard, Rom states:

> A PAUSE frame is provided to an information
> packet source by a downstream destination to inhibit
> transmission of information packets such as
> information frames by the information packet source to
> the downstream destination for a specified period of
> time. (Emphasis added).

See, Rom, col. 5, lines 7-12.

Further, Rom states:

> When the level of occupancy of a portion of the
> buffer allocated to an input port exceeds a first
> level or threshold, <u>the switch provides a control
> signal to the upstream sources operably coupled to the
> input port</u> to inhibit information packet transmissions
> to the input port. (Emphasis added).

See, Rom, col. 5, lines 44-49.

Thus, Rom describes that a control signal to inhibit information packet transmission is sent from the switch to an upstream source. Rom does not describe that the control signal to inhibit packet transmission is transmitted by a second switching device and received on a first switching device. In contrast, claim 1 recites, in part, "receiving a message on the first switching device from the second switching device." Since the claimed subject matter relates to a first switching device receiving a message from a second switching device, and since Rom describes an upstream source receiving a message, Rom does not describe a first switching device, as recited in claim 1. Thus, Rom does not describe all the features of the claimed subject matter. Accordingly, claim 1 is patentable.

Claims 2-4 are also patentable at least for reasons similar to claim 1 and for the additional recitations that they contain.

Claim 8 is patentable at least for reasons similar to claim 1. Claims 9-11 are also patentable at least for similar reasons and for the additional recitations that they contain.

With respect to claim 5, Rom does not describe transmitting a message from a first switching device to a second switching device. Instead, Rom describes transmitting a message from a switch to an upstream source. Thus, Rom does not describe a second switching device as recited in claim 5. Therefore, Rom

does not describe all the features of the claimed subject matter. Accordingly, claim 5 is patentable.

Claims 6 and 7 are also patentable at least for reasons similar to claim 5 and for the additional recitations that they contain.

Claim 12 is patentable at least for reasons similar to claim 5 and for the additional recitations that it contains. Claims 13 and 14 are also patentable at least for reasons similar to claim 12 and for the additional recitations that they contain.

Claims 15, 18, 21, and 24 are also patentable for reasons similar to claim 1 and for the additional recitations that they contain. Claims 16, 17, 19, 20, 22-23, 25, and 26 are also patentable at least for similar reasons and for the additional recitations that they contain.

CONCLUSION

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.
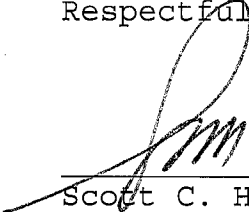
In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for

allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Please apply any credits or charges to deposit account 06-1050.

Respectfully submitted,

Date: 8/8/07

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